REMARKS

Claims 16-30 remain pending in this application. None of the claims have been amended in this response. The Applicant acknowledges and thanks the Examiner for conducting a preliminary Examiner Interview on December 2, 2004.

Claims 20 and 21 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

Claims 16-19, 22, 23, 25 and 28 were rejected under 35 U.S.C. §102(e) as being anticipated by *Losh* (US Patent 6,173,181).

Claims 24, 26 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Losh* (US Patent 6,173,181).

Claim 29 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Losh* (US Patent 6,173,181) in view of *Hamalainen et al.* (US 2002/0057667).

Claim 30 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Losh* (US Patent 6,173,181) in view of *Hamalainen et al.* (US 2002/0057667) and further in view of *Kristnamurthi et al.* (US 2001/0001089).

Applicant respectfully traverses the above rejections. Favorable reconsideration is respectfully requested.

Specifically, none of the cited art, alone or in combination, recite, among other things, the features of "supporting at least one first service and one second service by the radio device" as recited in claim 16. *Losh* discloses cells (C0-C14) where certain cells are assigned two carrier frequencies that support traffic data (F_1, F_2; col. 2, lines 35-40). Other cells may have one frequency (F_1) or the other (F_2) (col. 2, lines 41-50), while some channels only have a pilot beacon (PB), paging channel or sync channel, but with no transmission channels (col. 2, lines 41-50). From these channels, using the two frequencies, a neighborhood scan list is constructed by cellular communications system designers (see ref. 30, FIG. 1; col. 3, lines 1-5).

Under *Losh*, a candidate scan list (FIG. 4) is constructed to arrange candidate channels (C1-C10) according to their particular frequency (F_1, F_2) and operating mode (idle, active). The candidate list reduces the number of neighborhood identifiers in the neighbor scan list, thus reducing the memory requirement for the user (col. 7, lines 49-56).

Applicant submits that the frequencies F_1 and F_2 taught in *Losh* are not the same or equivalent to the "services" recited in the claims. Examples of "services" used in the present application are discussed in the specification on pages 5-6 (Full Slot/Double Slot; DECT/GSM, etc.). While Applicant acknowledges that limitations in the specification should not be read into the claims, it is also a requirement that the claims must be read in light of the specification. Accordingly, the "frequencies" of *Losh* are not the same as "services" claimed herein. The providing of different frequencies by a base station is a basic function of a mobile radio system. Under the disclosure in *Losh*, different frequencies are merely provided for the same service.

Furthermore, *Losh* does not disclose "storing primary [secondary] data of the at least one base station . . . in the form of a first [second] list . . . if the at least one base station signals to the radio device in the system information that the at least one base station supports the first [second] service" as recited in claim 16. Using the interpretation proffered by the Office Action, the frequencies F_1 and F_2 would not be stored in a scan list according to their capability of being supported by a user, but are interchangeably listed in accordance to whether the user was in an "idle" or "active" mode. This fact further supports the contention that the frequencies F_1 and F_2 are not the same as the "services" claimed herein.

Moreover, *Losh* is silent regarding the feature of "updating at least one of the first and the second list . . . if the data in the at least one base station is modified." Again, using the interpretation of the Office Action, the updating in *Losh* is not based on the updating of frequencies, but rather updates selected neighborhood identifiers (i.e. available cells) in response to the candidate scan list. *Losh* certainly does not disclose updating "frequencies", as it is axiomatic that all base stations transmit a specific frequency, and the user will either connect to that frequency or not.

The *Hamalainen* and *Kristnamurthi* references do not solve the deficiencies of *Losh* for the reasons discussed above. Furthermore, Applicants submit that the combination of *Losh* with *Hamalainen* and *Kristnamurthi* is improper as the combination of the references would not produce the claimed invention, and that the combination is based on impermissible hindsight. The SMS configuration of *Kristnamurthi* is based on received calls within the same cell, and thus would not rely on the teaching of *Losh*. Similarly, the configuration of *Hamalainen* relies on data transfer rates, and not through candidate scan lists.

In light of the above, Applicant respectfully submits that claims 16-30 of the present application are both novel and non-obvious over the art of record. Accordingly, Applicant respectfully requests that the rejections under 35 §102 and §103 be withdrawn and a timely Notice of Allowance be issued in this case. The Applicant also requests that before the Examiner makes a determination on the merits, that the Applicant be contacted to conduct a second Examiner Interview per the discussion agreed upon on December 2, 2004.

If any fees are due in connection with this application as a whole, the Examiner is authorized to deduct such fees from deposit account no. 02-1818. If such a deduction is made, please indicate the attorney docket number (115426-270) on the account statement.

BELL, BOYD & LLOYD LLC

BY _____
Peter Zura
Reg. No. 48,196
P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (312) 807-4208

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